

Introduced by Senator Denham

February 5, 2007

An act to amend Sections 17071.40 and 17071.75 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 176, as introduced, Denham. School facilities: multitrack year-round schools.

(1) Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition.

The act exempts a school on a year-round multitrack calendar with a density of 200 or more pupils enrolled per acre, that is located in a school district with 40% of its pupils attending a multitrack year-round school from specified building capacity requirements.

This bill would, instead, exempt a school that is located in a school district with 30% of its pupils attending a multitrack year-round school.

(2) The act provides that the ongoing eligibility of a school district for new construction funding is determined by making calculations related to certain factors, including, but not limited to, enrollment projections, the number of pupils that may be adequately housed in the existing school building capacity of the district, and increases or decreases in enrollment resulting from the Year-Round School Grant Program.

This bill would prohibit the enrollment changes reported under the Year-Round School Grant Program from reducing the ongoing eligibility

of a school district for new construction funding, if the district provides specified evidence, except in the case of an application for new construction funding pursuant to the Kindergarten-University Public Education Facilities Bond Act of 2006.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17071.40 of the Education Code is
2 amended to read:

3 17071.40. Each school on a year-round; multitrack calendar
4 that has a density of 200 or more pupils enrolled per acre; *and* that
5 is located in a school district with ~~40~~ 30 percent of its pupils
6 attending multitrack; year-round schools shall be exempted from
7 the increase in school building capacity required by Section
8 17071.35. Nothing in this section shall be construed as exempting
9 the school from the requirements of Section 17071.33.

10 SEC. 2. Section 17071.75 of the Education Code is amended
11 to read:

12 17071.75. After a one-time initial report of existing school
13 building capacity has been completed, the ongoing eligibility of a
14 school district for new construction funding shall be determined
15 by making all of the following calculations:

16 (a) A school district that applies to receive funding for new
17 construction shall use the following methods to determine projected
18 enrollment:

19 (1) A school district that has two or more schoolsites each with
20 a pupil population density that is greater than 115 pupils per acre
21 in kindergarten and grades 1 to 6, inclusive, or a schoolsite pupil
22 population density that is greater than 90 pupils per acre in grades
23 7 to 12, inclusive, as determined by the Superintendent using
24 enrollment data from the California Basic Educational Data System
25 for the 2004–05 school year, may submit an application for funding
26 for projects that will relieve overcrowded conditions. That school
27 district may also submit an alternative enrollment projection for
28 the fifth year beyond the fiscal year in which the application is
29 made using a methodology other than the cohort survival method

as defined by the board pursuant to paragraph (2), to be reviewed by the Demographic Research Unit of the Department of Finance, in consultation with the department and the Office of Public School Construction. If the Office of Public School Construction and the Demographic Research Unit of the Department of Finance jointly determine that the alternative enrollment projection provides a reasonable estimate of expected enrollment demand, a recommendation shall be forwarded to the board to approve or disapprove the application, in accordance with all of the following:

(A) Total funding for new construction projects using this method shall be limited to five hundred million dollars (\$500,000,000); from the Kindergarten-University Public Education Facilities Bond Act of 2004.

(B) The eligibility amount for proposed projects that relieve overcrowding is the difference between the alternative enrollment projection method for the year the application is submitted and the cohort survival method, as defined by paragraph (2), for the same year, adjusted by the existing pupil capacity in excess of the projected enrollment according to the cohort survival projection method.

(C) The Office of Public School Construction shall determine whether each proposed project will relieve overcrowding, including, but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or busing in excess of 40 minutes, and recommend approval to the board. The number of unhoused pupil grants requested in the application for funding from the eligibility determined pursuant to this paragraph shall be limited to the number of seats necessary to relieve overcrowding, including, but not limited to, the elimination of the use of Concept 6 calendars, four track year-round calendars, or busing in excess of 40 minutes, less the number of unhoused pupil grants attributed to that school as a source school in an approved application pursuant to Section 17078.24.

(D) A school district shall use the same alternative enrollment projection methodology for all applications submitted pursuant to this paragraph and shall calculate those projections in accordance with the same districtwide or high school attendance area used for the enrollment projection made pursuant to paragraph (2).

(2) A school district shall calculate enrollment projections for the fifth year beyond the fiscal year in which the application is

1 made. Projected enrollment shall be determined by utilizing the
2 cohort survival enrollment projection system, as defined and
3 approved by the board. The board may supplement the cohort
4 survival enrollment projection by the number of unhoused pupils
5 ~~that~~ *who* are anticipated as a result of dwelling units proposed
6 pursuant to approved and valid tentative subdivision maps.

7 (b) (1) Add the number of pupils ~~that~~ *who* may be adequately
8 housed in the existing school building capacity of the applicant
9 school district as determined pursuant to Article 2 (commencing
10 with Section 17071.10) to the number of pupils for whom facilities
11 were provided from any state or local funding source after the
12 existing school building capacity was determined pursuant to
13 Article 2 (commencing with Section 17071.10). For this purpose,
14 the total number of pupils for whom facilities were provided shall
15 be determined using the pupil loading formula set forth in Section
16 17071.25.

17 (2) Subtract from the number of pupils calculated in paragraph
18 (1) the number of pupils ~~that~~ *who* were housed in facilities to which
19 the school district or county office of education relinquished title
20 as the result of a transfer of a special education program between
21 a school district and a county office of education or special
22 education local plan area, if applicable. For this purpose, the total
23 number of pupils ~~that~~ *who* were housed in the facilities to which
24 title was relinquished shall be determined using the pupil loading
25 formula adopted by the board pursuant to subparagraph (B) of
26 paragraph (2) of subdivision (a) of Section 17071.25. For purposes
27 of this paragraph, title also includes any lease interest with a
28 duration of greater than five years.

29 (c) Subtract the number of pupils pursuant to subdivision (b)
30 from the number of pupils determined pursuant to paragraph (2)
31 of subdivision (a).

32 (d) The calculations required to establish eligibility under this
33 article shall result in a distinction between the number of existing
34 unhoused pupils and the number of projected unhoused pupils.

35 (e) (1) Apply the increase or decrease resulting from the
36 difference between the most recent report made pursuant to Section
37 42268, and the report used in determining the baseline capacity of
38 the school district pursuant to subdivision (a) of Section 17071.25.

39 (2) *Eligibility shall not be reduced pursuant to paragraph (1)*
40 *in any year for a school for which the school district provides*

1 *evidence that the school district will complete a project within*
2 *three years that will house the pupils for whom grants were*
3 *requested pursuant to Section 42260. This paragraph shall not*
4 *apply to an application for new construction funding pursuant to*
5 *the Kindergarten-University Public Education Facilities Bond Act*
6 *of 2006.*

7 (f) For purposes of calculating projected enrollment pursuant
8 to subdivision (a), the board may adopt regulations to ensure that
9 the enrollment calculation of individuals with exceptional needs
10 receiving special education services is adjusted in the enrollment
11 reporting period in which the transfer occurs and three previous
12 school years as a result of any transfer of a special education
13 program between a school district and a county office of education
14 or a special education local plan area. However, the projected
15 enrollment calculation of a county office of education shall only
16 be adjusted if a transfer of title for the special education program
17 facilities has occurred. The regulations, if adopted, shall ensure
18 that if a transfer of title to special education program facilities
19 constructed with state funds occurs within 10 years after initial
20 occupancy of the facility, the receiving school district or school
21 districts shall remit to the state a proportionate share of any
22 financial hardship assistance provided for the project pursuant to
23 Section 17075.10, if applicable.

24 (g) For a school district with an enrollment of 2,500, or less, an
25 adjustment in enrollment projections shall not result in a loss of
26 ongoing eligibility to that school district for a period of three years
27 from the date of the approval of eligibility by the board.

28 SEC. 3. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the Constitution and shall go into
31 immediate effect. The facts constituting the necessity are:

32 In order for school districts that operate multitrack year-round
33 schools to receive approval of project funding for new construction
34 at the earliest possible time, it is necessary that this act take effect
35 immediately.